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FACSIMILE/TELECOPY COVER SHEET

DATE: September 13, 2001
TO: Examiner Brown, Group Art Unit 1648
COMPANY: USPTO
FROM: Dianne Casuto
Patents & Trademarks
D-377, AP6D-2
Telephone: (847) 938-3137
PHONE NUMBER OF TELECOPY MACHINE: 1-703-746-3113
TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 7
MESSAGE:

Examiner Brown: The following documents concern US Serial No. 08/911,824. I understand that you spoke to my colleague, Mimi Goller, who informed you that I faxed an official response (responsive to the Office Action mailed January 31, 2001) to the USPTO on April 26, 2001. Mimi informed me that you haven't been able to find that response in your file. Attached is a copy from our record file. The copy includes the Facsimile Cover Sheet, Transmittal Letter (in duplicate), Response (2 pages), and Facsimile Confirmation Sheet. If you have any questions, please feel free to call me at the number indicated above.

Sincerely,
Dianne Casuto
Counsel, Abbott Laboratories
Reg. No. 40,943

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Legal Division
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D377/AP6D-2

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OFFICIAL DOCUMENTS TO USPTO

FACSIMILE COVER SHEET

DATE: April 26, 2001

To: Examiner B. Nelson
Group Art Unit 1648

FROM: Dianne Casuto
Patents and Trademarks
D-0377, AP6D-2
Telephone: (847) 938-3137

FILE COPY

Fax No.: (703) 308-4426

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): - 5 -

MESSAGE:

Transmitted herewith for Application Serial No. 08/911,824, please find the following:

1. Transmittal, in duplicate (1 Page)
2. Response (2 Pages)

Thank you.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hackett, J.R. *et al.*

Serial No.: 08/911,824

Filed: August 15, 1997

For: NOVEL ANTIGEN CONSTRUCTS
USEFUL IN THE DETECTION AND
DIFFERENTIATION OF ANTIBODIES
TO HIV

Attorney Docket No.: 6165.US.O1

Date: April 26, 2001

Examiner: B. Nelson

Group Art Unit: 1648

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referred to as being attached or enclosed) is being
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addressed to the following recipient:

Assistant Commissioner for Patents

Attn: Examiner B. Nelson

Group Art Unit: 1648

Washington, D.C. 20231

Recipient Telefax Number: (703) 308-4426


Linda L. Powell

April 26, 2001

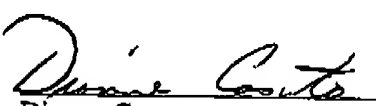
TRANSMITTALAssistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Enclosed herewith for the patent application identified above entitled NOVEL
ANTIGEN CONSTRUCTS USEFUL IN THE DETECTION AND DIFFERENTIATION OF
ANTIBODIES TO HIV is the following:

1. Response

The Commissioner is hereby authorized to charge any additional Filing Fees required
under 37 CFR § 1.16, as well as any patent application processing fees under 37 CFR § 1.17
associated with this communication for which full payment had not been tendered, to Deposit
Account No. 01-0025. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
Hackett, J.R., *et al.*ABBOTT LABORATORIES
100 Abbott Park Road
CHAD 0377/AP6D-2
Abbott Park, Illinois 60064-6050
(847) 938-3137 (Telephone)
(847) 938-2623 (Facsimile)
Dianne Casuto
Registration No. 40,943
Attorney for Applicants

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: Hackett, J.R. *et al.*

Serial No.: 08/911,824

Filed: August 15, 1997

For: NOVEL ANTIGEN CONSTRUCTS
USEFUL IN THE DETECTION AND
DIFFERENTIATION OF ANTIBODIES
TO HIV

Attorney Docket No.: 6165.US.O1

Date: April 26, 2000

Examiner: B. Nelson

Group Art Unit: 1648

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Assistant Commissioner for Patents

Attn: Examiner B. Nelson

Group Art Unit: 1648

Washington, D.C. 20231

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Linda L. Powell

April 26, 2001

RESPONSEAssistant Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

The following is in response to the Office Action mailed January 31, 2001 in the above-identified application. Claims 1 and 2 currently are pending. Claims 3-77 were withdrawn from consideration as being drawn to non-elected inventions.

In the Office Action, the Examiner indicated allowance of claim 1 for which Applicants express their appreciation. The Examiner, however, rejected claim 2 under 35 U.S.C. §112, first paragraph. The Examiner essentially stated that claim 2 recites a "genus" of sequences (encompassing immunoreactive portions of all HIV-1 Group O envelop polypeptides from all species of HIV-1 Group O) due to the language "comprising" in the claim. The Examiner also asserted that this "genus" of sequences is unsupported by the specification as filed and therefore rejected the claim as lacking an adequate written description.

Applicants respectfully traverse the rejection. Applicants submit that claim 2 depends from claim 1 and thus, by necessity, incorporates all the limitations of the parent claim. As a consequence, the "immunoreactive portion" of the polypeptide recited in claim 2 must be derived from an HIV-1 Group O *env* polypeptide consisting essentially of the sequence of FIG. 1 (SEQ ID NO:61). Otherwise stated, claim 2

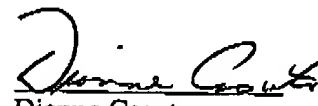
inherently contains the language of claim 1 and does not broaden the claim in a manner, which is unsupported by the specification. Accordingly, Applicants request reconsideration and withdrawal of the 35 U.S.C. §112 rejection.

Action Requested

Applicants respectfully submit that claim 2 is in condition for allowance and request passage to issue of the subject application. Should any unresolved issue remain, Applicants respectfully request a personal or telephonic interview to discuss same.

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Respectfully submitted,
J. R. Hackett *et al.*


Dianne Casuto
Registration No. 40, 943
Attorney for Applicants

SEP. 13. 2001 1:35PM

NO. 9701 P. 7

P. 1

* * * TRANSMISSION RESULT REPORT (APR. 26. 2001 9:20AM) * * *

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| DATE | TIME | ADDRESS | MODE | TIME | PAGE | RESULT | PERS. NAME | FILE |
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